

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD SULLIVAN, JR.,

Plaintiff,

v.

Civil No. 07-12218

Hon. David M. Lawson

MICHIGAN DEPARTMENT OF
CORRECTIONS, TERESA WILLIAMS,
JOHN L. ABDOO, SHIRLEY GORDON,
LINDA TRIBLEY, RUM SPRADER,
J. KILLIPS, and S. COFFEY,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AGAINST JAMES KILLIPS AND SCOTT COFFEY**

Presently before the Court is the report issued on December 5, 2008 by Magistrate Judge Virginia M. Morgan pursuant to 28 U.S.C. § 636(b), recommending that this Court deny the plaintiff's motion for summary judgment against the defendants James Killips and Scott Coffee. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 71] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment against the

defendants James Killips and Scott Coffee [dkt # 28] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 24, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 24, 2008

s/Felicia M. Moses
FELICIA M. MOSES